

SPECIAL CRIMINAL APPLICATION NO. 1709 OF 1996

For Approval and Signature :

Hon'ble Mr. JUSTICE D.G. KARIA

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1. Whether Reporters of Local Papers may be allowed to see the judgments?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 No

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vs.

State of Gujarat

Appearance:

Mr. F.B. Brahmhatt for petitioners

Mr. A.J. Desai, APP for the State

CORAM: MR. JUSTICE D.G. KARIA

Date of decision: 20.12.1996

ORAL JUDGMENT

1. Rule. Mr. A.J. Desai, waives service of rule.
In the facts and circumstances of the case, the
petition is finally heard today.

2. By this petition under Article 226 of the Constitution of India, the petitioners who are the officers/personnel of the Gujarat Industrial Development Corporation at Ahmedabad have prayed for Anticipatory Bail in respect of the offences punishable under Section 506(1) of the Indian Penal Code and for the offences under Sections 3(1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in connection with Crime Register No. II-574/76 registered at Navrangpura Police Station.

3. The petition is essentially for anticipatory bail under Section 438 of the Code. Section 18 of the S.C. and S.T. (Prevention of Atrocities) Act, 1989 provides, inter alia, that the provision of Section 438 of the Code shall not apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under the said Act. Under the circumstances, the petitioners cannot be granted anticipatory bail in respect of the aforesaid offences under Section 3(1)(x) of S.C. and S.T. (Prevention of Atrocities) Act. Mr. Brahmabhatt, learned counsel for the petitioners, therefore, seeks leave to approach the concerned Special Judge by filing a necessary application for regular bail in respect of the aforesaid offences and C.R. He further states that such application for regular bail will be submitted by 26th December, 1996. If such application is preferred by that time, the petitioners shall not be arrested for the offences under Section 506(1) of I.P.C. and offences under Section 3(1)(x) of S.C. & S.T. (Prevention of Atrocities) Act of Crime Register No. II-574/96 registered at Navrangpura Police Station till hearing and disposal of such application.

4. With the aforesaid direction, Rule is discharged.
Direct Service is permitted.
